

**ZB# 04-33**

**William Bywater**

**67-2-1**

ZBA #04-33 WILLIAM BYWATER  
(AREA) BIRCH DR. (67-2-1)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
GRANTED 6-14-04

William & Anne Bywater 567-9792

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**COPY**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE: March 8, 2003**

**APPLICANT: William G. Bywater  
115 Birch Drive  
New Windsor, NY 12553**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 3/4/04**

**FOR : Front & side addition**

**LOCATED AT: 115 Birch Drive**

**ZONE: R-3 Sec/Blk/ Lot: 67-2-1**

**DESCRIPTION OF EXISTING SITE: Existing one-family house**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. Proposed front / side addition will not meet front yard set-back of 45 feet**

  
**BUILDING INSPECTOR**

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: **R-3**    USE: **6-E** Bulk Tables

**MIN LOT AREA:**

**MIN LOT WIDTH:**

**REQ'D FRONT YD:**

**45'**

**30'**

**15'**

**REQ'D SIDE YD:**

**REQ'D TOTAL SIDE TD:**

**REQ'D REAR YD:**

**REQ'D FRONTAGE:**

**MAX BLDG HT:**

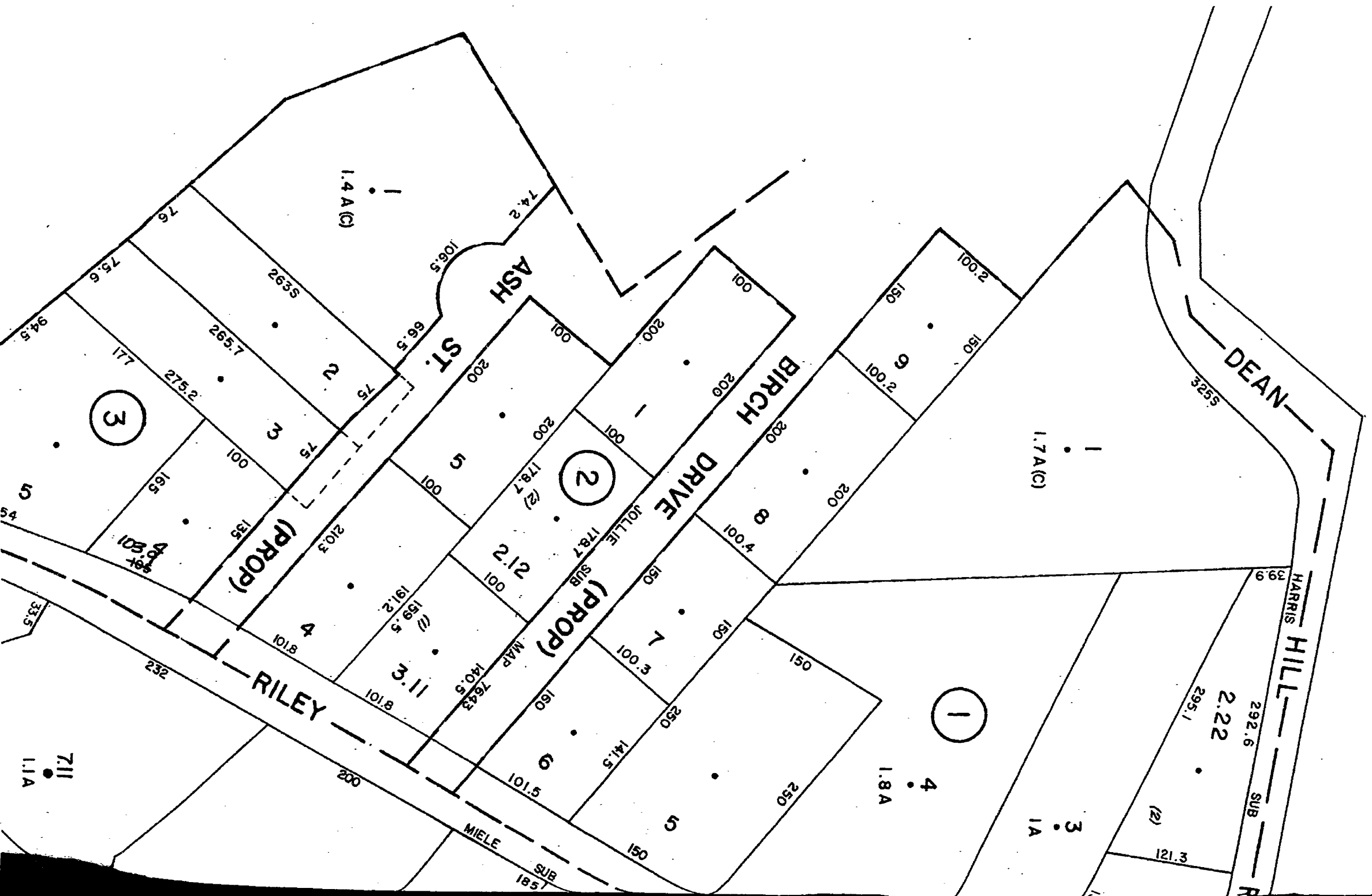
**FLOOR AREA RATIO:**

**MIN LIVABLE AREA:**

**DEV COVERAGE:**

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

COPY



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

**COPY**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work is subject to a \$500.00 after correction.

**RECEIVED**

MAR 04 2004

**BUILDING DEPARTMENT**

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 2004-284

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises William and Anne Bradley

Address 115 Birch Drive, New Windsor Phone # 567-9792

Mailing Address " Fax # 567-1472

Name of Architect Anthony J. Caputo

Address 375 3rd. N. Hwy. Phone 561-3559

Name of Contractor Timothy Jacobs

Address 27 Yarwood Rd. Pine Bush, NY 12566 Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the SOUTH side of BIRCH  
(N,S,E or W)  
and 2600 ft feet from the intersection of BIRCH + RILEY

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N ☒

3. Tax Map Description: Section 67.00 Block 2 Lot 1.0

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy HOME for 3 b. Intended use and occupancy HOME for 3

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? no.

7. Dimensions of entire new construction. Front 64' Rear 64' Depth 34' Height 30' No. of stories 2

8. If dwelling, number of dwelling units: 1 unit Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms 3 Baths 4 Toilets 4 Heating Plant: Gas \_\_\_\_\_ Oil ☒

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$150,000 Fee 50.00

CK # 1298

**PAID**

**ZONING BOARD**



/ /  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**  
**Asst. Inspectors Frank Liel & Louis Krychear**  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Amie Bywater*  
\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Address of Applicant)

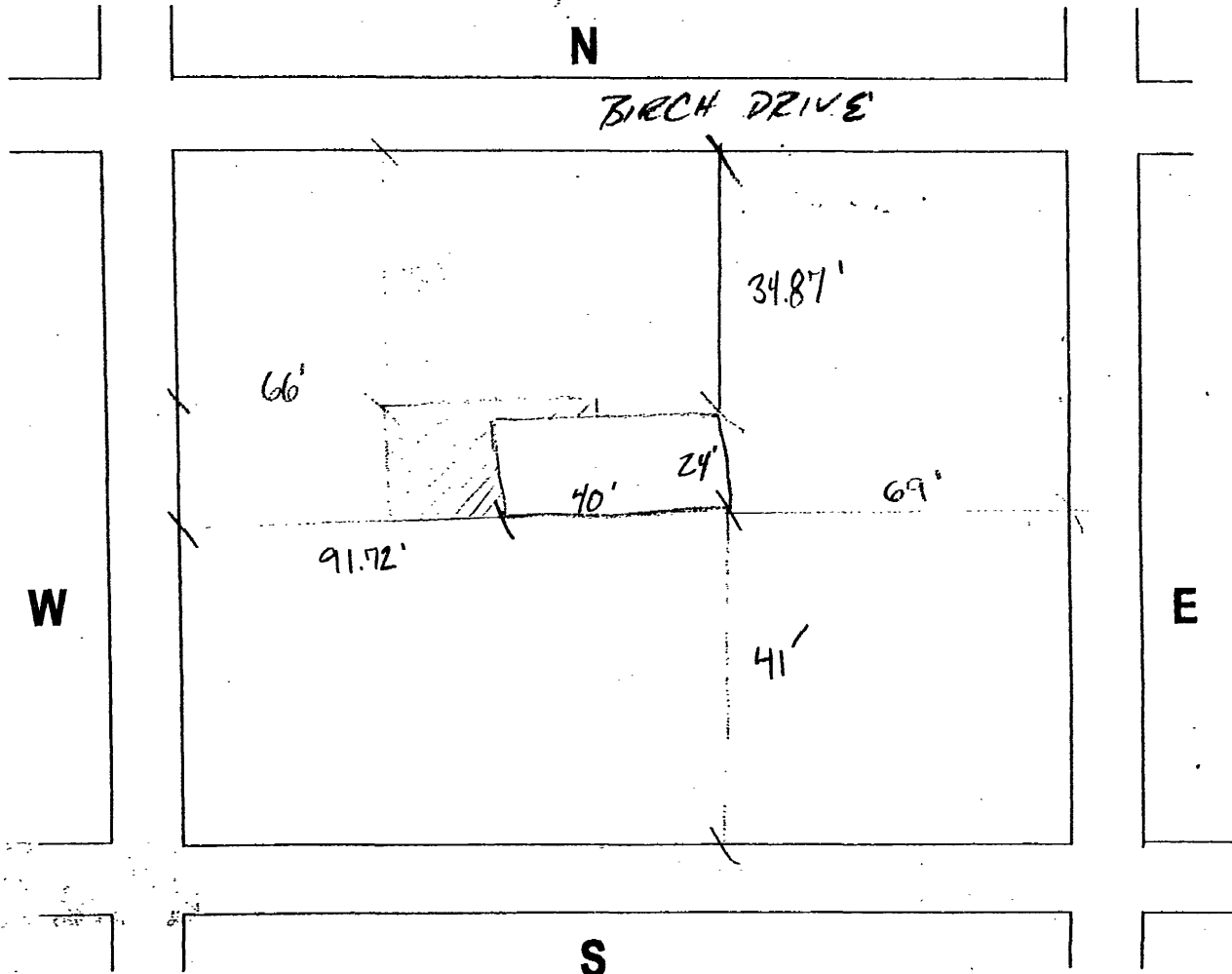
*Amie Bywater*  
\_\_\_\_\_  
(Owner's Signature)

\_\_\_\_\_  
(Owner's Address)

**PLOT PLAN**

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**COPY**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION



## Bywater Addition

Bill and Aimee Bywater  
115 Birch Drive  
New Windsor



Existing Gravel Roadway

S 38°33' E

200.00

319.19

100.00

N 51°27' E

91.78'

91.72'

34.78

34.87

Frame  
Ranch  
40.2

24.3

Front  
porch  
4.9

Riley  
Road

N 38°33' W

200.00

Survey of Lands of Michael G Petrillo  
to be Conveyed to RoseMarie Gambino  
Located in the Town of New Windsor, County of Orange State of New York  
Tax# 67-02-01  
July 6 1986

Geo.W. Corwin  
I.S. 026352

04-33



# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## **OFFICE OF THE ZONING BOARD OF APPEALS**

September 14, 2004

William Bywater  
115 Birch Drive  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #04-33**

Dear Mr. Bywater:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 67-2-1

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**WILLIAM BYWATER**

**AREA**

CASE #04-33

**WHEREAS, William Bywater**, owner(s) of 115 Birch Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 15 ft. Front Yard Setback for proposed front/side addition (Bulk Tables Use 6-E) at 115 Birch Drive in an R-3 Zone (67-2-1);

**WHEREAS**, a public hearing was held on June 14, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant has constructed a two-car garage but, it has a front porch that projects 4 feet closer to the road than does the house and encroaches on the required front yard setback.
  - (c) In construction the applicant did not remove any trees or substantial vegetation.

- (d) In the construction, the applicant did not create the ponding or collection of water or divert the flow of water drainage.
- (e) With the construction, the house will not appear to be overly big and is appropriate for the neighborhood.
- (f) The addition is not built on top of, nor does it interfere with, any easements, including but not limited to water, sewer or utility easements.
- (g) The applicant's home and garage will not appear to be closer to the road than the neighbors. In fact, it will be further removed from the road than some of the neighbors.
- (h) With the addition, the home will be similar in size and appearance to other homes in the neighborhood.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 15 ft. Front Yard Setback for proposed front/side addition (Bulk Tables Use 6-E) at 115 Birch Drive in an R-3 Zone (67-2-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: June 14, 2004

  
Chairman



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 08-09-04**  
**SUBJECT: ESCROW REFUND - 04-33**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 186.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-33**

**NAME & ADDRESS:**

**William Bywater  
115 Birch Drive  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R. 08-09-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-33      TYPE: AREA

APPLICANT Name & Address:

**William Bywater  
115 Birch Drive  
New Windsor, NY 12553**

TELEPHONE:    567-9792

RESIDENTIAL:	\$ 50.00	CHECK #1319
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK #1312

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:            \$ 44.00            \$ 70.00

~~~~~

ESCROW POSTED:            \$ 300.00

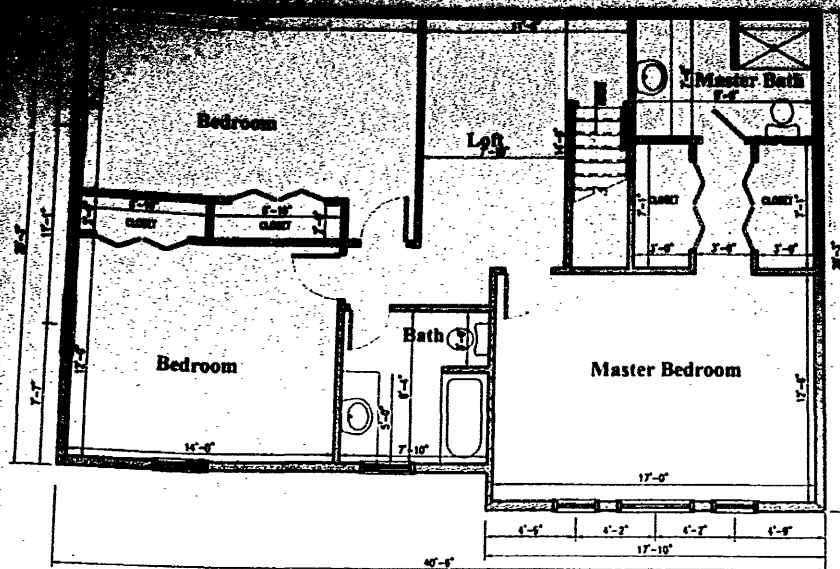
LESS: DISBURSEMENTS:    \$ 114.00

AMOUNT DUE:            \$ \_\_\_\_\_

REFUND DUE:            \$ 186.00

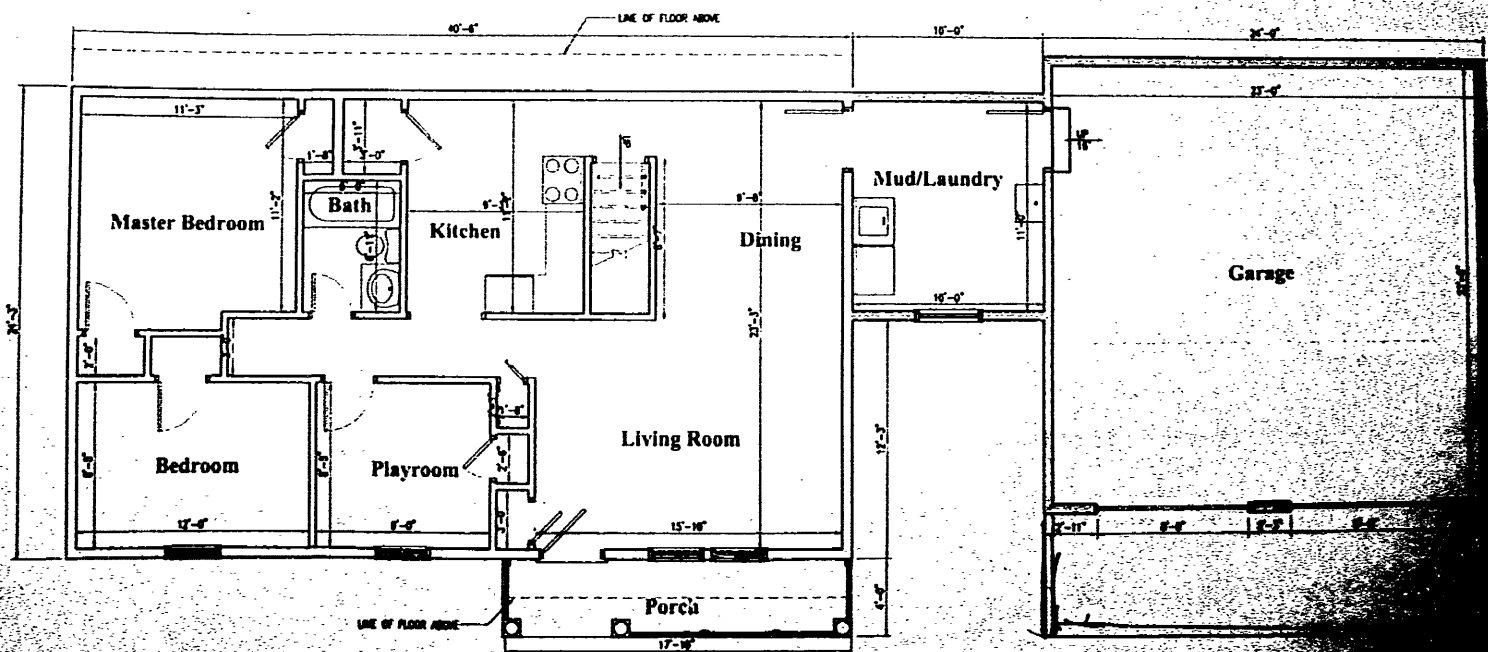
Cc:

L.R. 08-09-04



**1**  
**A2** **Second Floor Plan - 1098 S.F.**  
Scale: 1/4"=1'-0"

**2**  
**A2**



**3**  
**A2** **First Floor Plan**  
Scale: 1/4"=1'-0"



**1** Side Elevation  
**A3** Scale: 1/4"=1'-0"



**2** Front Elevation  
**A3** Scale: 1/4"=1'-0"

WILLIAM BYWATER (04-33)

Mr. William Bywater appeared before the board for this proposal.

MR. KANE: Request for 15 ft. front yard setback for proposed front/side addition at 115 Birch Drive in an R-3 zone. Tell us what you want to do.

MR. BYWATER: Put on a two car garage and a second floor to the ranch house but the variance is because I'm coming forward with the porch which is new construction because of the recent setback although it's only coming 4 feet forward the new requirement is that it's a 15 foot variance.

MR. KANE: So this is going to, is it like so this is your house and so this is going to sit on an angle like this?

MR. BYWATER: Yes.

MR. KANE: The drawing that you have right here, Mike, the front yard setback is that for the porch?

MR. BABCOCK: Well--

MR. KANE: Or is the garage sticking out?

MR. BABCOCK: The garage is sticking out 4 foot farther than the house. If he stayed even with the house, he wouldn't be here tonight. Since he's coming out closer to the road, we used the 45 foot required front yard setback.

MR. KANE: You want that 4 feet, huh?

MR. BYWATER: Yes.

MR. KANE: Cutting down any trees or substantial

vegetation in the building of the addition?

MR. BYWATER: No.

MR. KANE: Create any water hazards or runoffs?

MR. BYWATER: No..

MR. KANE: Will the building of this garage and addition make the home overly big for your neighborhood?

MR. BYWATER: No.

MR. MC DONALD: One story?

MR. BYWATER: It's one story now and then I'm adding this on.

MR. REIS: Mike, did you see the drawings?

MR. BABCOCK: I'm seeing them right now.

MR. REIS: Any height variance?

MR. BABCOCK: No, he's allowed 35 feet, I'm sure he's within that.

MR. KANE: Any questions at this point, guys? Is there anybody in the public for this particular meeting? Seeing as there is not, we'll open and close the public portion and ask Myra how many mailings we had?

MS. MASON: On the 17th of May, I mailed out 26 addressed envelopes and had no responses.

MR. KANE: Nobody cares. Any easements running through?

MR. BYWATER: No.

MR. KANE: In your neighborhood, your garage is going to come four feet further than the front of your house, is that going to place the garage closer to the road than other homes in your neighborhood?

MR. BYWATER: No.

MR. KANE: You have other homes that are a little closer to the road than yours?

MR. BYWATER: Actually in the new development around the corner there's homes even 25 feet from the road and less.

MR. KRIEGER: But it's not going to visually appear to be closer than your neighbors?

MR. BYWATER: No.

MR. BABCOCK: Mr. Chairman, the garage is not closer to the street than his house, it's just the--

MR. BYWATER: That's a preliminary, I did change that since the porch I was getting the variance for I wanted to keep the garage the same.

MR. BABCOCK: Okay.

MR. KANE: If the addition is allowed, will the home seem similar to other homes in the neighborhood as far as size?

MR. BYWATER: Yes.

MR. KANE: Any other questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

June 14, 2004

39

MR. RIVERA: Make a motion we grant William Bywater the requested 15 foot front yard setback for proposed front side addition at 115 Birch Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MC DONALD	AYE
MR. KANE	AYE





RESULTS OF Z.B.A. MEETING OF:

June 14, 2004PROJECT: William BywaterZBA # 04-33  
P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

## ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_  
REIS \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED:

M) R S) M VOTE: A 4 N 0.

*A*  
RIVERA  
MC DONALD  
REIS  
~~MINUTA~~  
KANE

A  
A  
A  
A

CARRIED: Y ☒ N \_\_\_\_\_.No WaterTreesEasements

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

WILLIAM BYWATER

AFFIDAVIT OF  
SERVICE  
BY MAIL

#04-33

\_\_\_\_\_ X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 17TH day of MAY, 2004, I compared the 26 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

18<sup>th</sup> day of May, 2004

[Signature]  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

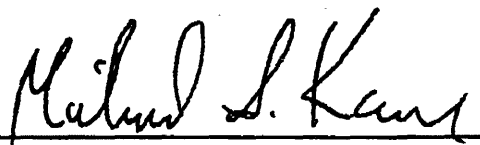
**Appeal No. 04-33**

**Request of WILLIAM BYWATER**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 15 ft. Front Yard Setback for proposed front/side addition (Bulk Tables Use 6-E) at 115 Birch Drive in an R-3 Zone (67-2-1)**

**PUBLIC HEARING will take place on JUNE 14, 2004**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 4, 2004

William Bywater  
115 Birch Drive  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-33

Dear Mr. Bywater:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

115 Birch Drive  
New Windsor, NY 12553

is scheduled for the June 14<sup>th</sup>, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

WILLIAM BYWATER (04-33)

MR. KANE: Request for 15 ft. front yard setback for proposed front/side addition at 115 Birch Drive in an R-3 zone.

Mr. William Bywater appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. BYWATER: Put a second story addition, attached mud room and garage and with the porch on the front of the house it creates a new front distance between the edge of the property and the front of the construction.

MR. KANE: So you want to put a front porch here?

MR. BYWATER: And a garage here.

MR. KANE: The front porch is going to take the place of the porch that's existing there now?

MR. BYWATER: Yes.

MR. KANE: Will the front of the home be extending closer to the road than any other homes that are on your block?

MR. BYWATER: I don't think so.

MR. KANE: So to your knowledge it is not?

MR. BYWATER: No.

MR. KANE: Creating any water hazards or runoffs with the building of this?

MR. BYWATER: No.

MR. KANE: Cutting down any trees or substantial shrubbery?

MR. BYWATER: No.

MR. KANE: Any easements in the area?

MR. BYWATER: Our street is a private road but it doesn't go over the private road.

MR. KANE: With adding the garage and the addition you're not substantially changing the character of the neighborhood?

MR. BYWATER: No.

MR. MINUTA: Question, I didn't catch the last part of that, the addition will be a porch on the front and then also in addition to the house you're extending the porch?

MR. BYWATER: There's no porch now, just a slab so it will have a 4 foot porch just so you're out of the rain and a whole second floor addition which doesn't create any new setback attached to the main building, a mud room 10 x 12, something like that and then a standard two car garage.

MR. BABCOCK: The existing structure is 34 foot eight inches off the property and once he puts the second floor on with the roof over the slab he will be 30 foot 9 inches so he's only coming out 4 foot minimum.

MR. KANE: May we add that to the record or do you need that?

MR. BYWATER: No, keep it.

MR. MINUTA: Accept a motion?

May 10, 2004

14

MR. KANE: Sure.

MR. MINUTA: I make a motion that we forward Mr. Bywater and Mrs. Bywater to a public hearing for requested 15 foot front yard setback at the proposed front side addition at 115 Birch Drive in an R-3 zone.

MR. REIS: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessor's Office

May 4, 2004

William & Aimee Bywater  
115 Birch Drive  
New Windsor, NY 12553

Re: 67-2-1 ZBA#04-33

Dear Mr. & Mrs. Bywater:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced parcel.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Assessor

JTW:lrd  
Attachments

CC: Myra Mason, ZBA



65-1-93

Sarjon, LLC

C/o Benedict Pond at New Windsor LLC

DGS Associates

535 High Mountain Road

North Haledon, NJ 07508

67-1-1

William & Margaret McDonnell

1131 Sharpshooters Road

North Fayston, VA 05660

67-1-2.22

Floyd & Tamra Johnson

PO Box 662

Newburgh, NY 12550

67-1-3

Alton & Alice Peterson

53 Riley Road

New Windsor, NY 12553

67-1-4

Debbie Roszkowski

45 Riley Road

New Windsor, NY 12553

67-1-5

Edward Jr. & Wendy Kimball

41 Riley Road

New Windsor, NY 12553

67-1-6

David Barasky

316-A Jutland Drive

Monroe, NJ 08831

67-1-7

Alice Mula

PO 282

Vails Gate, NY 12584

67-1-8

Karen & Modesto Sanchez

114 Birch Drive

New Windsor, NY 12553

67-1-9

Michael & Arlene McGovern

122 Birch Drive

New Windsor, NY 12553

67-2-2.12

Berzelius & Beroz Pavri

107 Birch Drive

New Windsor, NY 12553

67-2-3.11

William Garrison

29 Riley Road

New Windsor, NY 12553

67-2-4

Richard & Ann Bewick

27 Riley Road

New Windsor, NY 12553

67-2-5

John Jr. & Elizabeth Morin

10 Ash Street

New Windsor, NY 12553

67-2-6.1 & 67-2-6.2

Omat, Inc.

501 Bramertown Road

Tuxedo Park, NY 10987

67-2-7 & 67-2-8.1 & 67-2-8.2

Pondside Builders, LLC

13 Hayes Court, Unit 101

Monroe, NY 10950

67-2-9.1 & 67-2-9.2

Alfred & Maureen Cestari

49 Dean Hill Road

New Windsor, NY 12553

67-3-1 & 67-3-2

Pierre Belle III

2 Belle Court

New Windsor, NY 12553

67-3-3

John Gadbois

Joanne Esposito

7 Ash Street

New Windsor, NY 12553

67-3-4

Taun Hai Truong

19 Riley Road

New Windsor, NY 12553

67-3-5

Rufus McCaster

15 Riley Road

New Windsor, NY 12553

67-4-3

Nilda Natal

Roberto Alvarez

50 Riley Road

New Windsor, NY 12553

67-4-4.1

Edward Miele

Station Street

PO Box 116

Southfield, NY 10975

67-4-4.21

Michael Miele

40 Riley Road

New Windsor, NY 12553

67-4-6

James Duffy

30 Riley Road

New Windsor, NY 12553

67-4-7.11

Pasquale & Anna & Virginia Mugnano

2 Cimorelli Drive

New Windsor, NY 12553

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#459-2004**

05/11/2004

Bywater, Aimee L. Smith

Received \$ 50.00 for Zoning Board Fees, on 05/11/2004. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

ZBA 04-33 Application *See*





**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 05-03-04

FOR: ESCROW 04-33

FROM: WILLIAM BYWATER

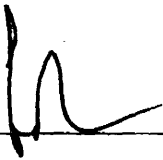
115 BIRCH DRIVE

NEW WINDSOR, NY 12553

CHECK NUMBER: 1312

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 5/4/04

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

May 3, 2004

William Bywater  
115 Birch Drive  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-33

Dear Mr. & Mrs. Bywater:

This letter is to inform you that you have been placed on the May 10, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

115 Birch Drive  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".**

### **ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

RECEIVED  
TOWN OF NEW WINDSOR

APR 27 2004

ENGINEER & PLANNING

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING.... (this charge is not deducted from your escrow posted).***

*William M. Bywater*  
SIGNATURE

*April 5, 2004*  
DATE

*Please process public hearing check* 

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST - ONE MEETING PER MONTH ONLY)





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

April 5, 2004  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** Phone Number: (845) 567-9792  
William G. Bywater Fax Number: (845) 567-1472  
(Name)  
115 Birch Drive New Windsor, NY 12553-8906  
(Address)
- II. **Applicant:** Phone Number: (845) 567-9792  
William G. Bywater Fax Number: (845) 567-1472  
(Name)  
115 Birch Drive New Windsor, NY 12553-8906  
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
same as above Fax Number: ( )  
(Name)  
  
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Anthony J. Coppola Fax Number: ( )  
(Name)  
375 Third St. Newburgh NY 12550  
(Address)
- V. **Property Information:**  
Zone: 4 Property Address in Question: 115 Birch Drive  
Lot Size: .46 Tax Map Number: Section 67 Block 2 Lot 1  
a. What other zones lie within 500 feet?  
b. Is pending sale or lease subject to ZBA approval of this Application? No  
c. When was property purchased by present owner? NOVEMBER 1995  
d. Has property been subdivided previously? No If so, When:  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No  
f. Is there any outside storage at the property now or is any proposed? No

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	45'	30'	15'
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

*I believe the ZBA should allow this variance. It would mean a covered porch would be built where now there is a concrete walkway approaching the home. The proposed second floor would cantilever a bit over the first floor which is a common construction method. The foundation of my home, built in 1975, sits currently more than 50' from the edge of the paved surface we call Birch Drive (which is a private road.) Few homes built in New Windsor in the last year can say this. This addition would bring the front line of the house only 4' closer.*

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**04-33**

**COMPLETE THIS PAGE ☐**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

19 day of April 2004.

Aimee Smith-Bywater  
Owner's Signature (Notarized)

Aimee Smith-Bywater  
Owner's Name (Please Print)

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006  
[Signature]  
Signature and Stamp of Notary

DL# 279-862-792 exp. 1-15-10

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

04-331